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April 11, 2023

The Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Lin Miao; Case No.: 1:15-cr-00628-AT

Dear Judge Torres:

On February 6, 2023 Mr. Miao reported to FCI Mendota. His present release date is May 4, 2024.

On February 21, 2023 he received an Individualized Needs Plan from his case worker at the institution. A copy of the plan is included herewith.

As the Court will note from the enclosed plan, the defendant is considered at a Low Risk Recidivism Level. At the time of sentencing the Court did not make any statement on the Judgment and Commitment Order regarding RRC Placement. This was my fault for not asking for such a recommendation.

As previously reported to your Honor, the defendant and his fiancé, Recille, founded OPAN Supply (OS) in 2018. The company began operations in Bakersfield, California. Mr. Miao started a second location in Colton, California. on November 1, 2022. The business began operation on December 3, 2022.

Although the first weeks of the business in Colton were extremely successful, after the defendant reported for service of his sentence the business fell apart. The lease signed by the defendants' investors turned out to be way too expensive. More importantly, although Mr. Miao had trained his wife and other family members to take control of the Colton location, this plan did not work out. His wife, who was left with two small children, was barely able to continue running the Bakersfield location. Without Lin's presence, she was not capable of traveling to Colton to manage the operations there. Her family, which was

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expected to be of great assistance, also failed to take any leadership role. As a result, the business has now closed, resulting in a monetary loss to the investors of approximately \$300,000.

It was always Mr. Miao's intention to use both businesses to assist in paying the fine imposed by the Court and to make payments towards restitution. Although the people who invested in the Colton location understand that Mr. Miao did everything he could to provide for management while he was in custody, they are looking upon his release to start a new business that will help them recover their funds. At the same time, Mr. Miao needs to rekindle the business in Bakersfield and open new locations, to provide for his family, his partners and take care of his other financial obligations.

Since Mr. Miao surrendered, Recille has had a very tough times not only managing the one store but she has been left with raising her three year old daughter and five year old son. To put it mildly, she is overwhelmed and Mr. Miao is afraid that her stress may undo whatever progress they have made in the past four years to create a solid financial footing for the family.

As referenced in the PSI report, Mr. Miao began cooperating in his case after his arrest in May 2015. Since then, a period of approximately 8 years, he has continuously cooperated with the government.

18 U.S.C. §3624(c)(1) provides that the Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spend a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a Community Correctional Facility.

Counsel is now requesting that the Court recommend to the Bureau of Prisons that defendant serve 12 months of his sentence in such a facility. If the Court were to make the recommendation, and if the Bureau of Prisons were to follow it, it is possible that the defendant would be placed in a facility that would allow him to resume working in the Bakersfield location. If that were to happen, Mr. Miao would be able to reunite with his family, including his two young children, and begin the process of rehabilitating the business in Bakersfield which he has worked many years to establish. At the same time, it would allow him to begin the planning necessary to assist his investors in recouping their funds and potentially opening new locations. The businesses which Mr. Miao hopes to

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expand are intended to help those in low income communities who need the opportunity to secure necessary household and family items at a discount.

Therefore, given the assessment that Mr. Miao is at a Low Risk Recidivism Level, counsel would respectfully request the court recommend to the Bureau of Prisons a 12-month residential reentry program.

As defendant's criminal behavior occurred more than 10 years ago and since then Mr. Miao has completely changed his life, counsel fervently believes this will be in the interest of justice.

GRANTED. The Court recommends to the Bureau of Prisons that Defendant serve the final 12 months of his current term of imprisonment in a residential reentry program pursuant to 18 U.S.C. § 3624(c)(1).

SO ORDERED.

Dated: April 21, 2023
New York, New York



ANALISA TORRES
United States District Judge